

**REMARKS**

The Official Action mailed December 11, 2006, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on March 29, 2004; April 13, 2004; and May 4, 2005.

Claims 1-3, 5-24 and 31-52 were pending in the present application prior to the above amendment. Claims 1, 7-12, 43 and 48 have been canceled without prejudice or disclaimer; and independent claims 2, 3, 5 and 6 have been amended to better recite the features of the present invention. Claims 17, 23, 35 and 41 have been withdrawn from consideration by the Examiner (Box 4a, Office Action Summary, Paper No. 20061205). Accordingly, claims 2, 3, 5, 6, 13-16, 18-22, 24, 31-34, 36-40, 42, 44-47 and 49-52 are currently elected, of which claims 2, 3, 5 and 6 are independent.

The Official Action rejects claims 1-3, 5-10, 12-16, 18-22, 24, 31-34, 36-40 and 42-52 as obvious based on the combination of Figure 2 of the present specification, which the Official Action refers to as "Applicant's admitted prior art (AAPA)" and JP 11-224781 to Nagayama, which the Official Action refers to as "JP '781." The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some

teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 2, 3, 5 and 6 have been amended to recite that an insulating film contains at least one of polyamide and acrylic, which is supported in the present specification, for example, by page 9, lines 7-8. For the reasons provided below, AAPA and JP '781, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

The Official Action concedes that "AAPA does not expressly disclose that the device can further include ... an insulating film between the anode and the organic compound layer" (page 3, Paper No. 20061205), and asserts that it would have been obvious to include the insulating film 109 of JP '781 in AAPA. However, the insulating film 109 of JP '781 appears to be formed of polyimide (see paragraphs [0023]-[0024]). JP '781 does not teach or suggest that the insulating film 109 should be made from polyamide or acrylic. AAPA also does not teach or suggest that the insulating film 109 of JP '781 should be made from polyamide or acrylic.

Therefore, the Applicant respectfully submits that AAPA and JP '781, either alone or in combination, do not teach or suggest that an insulating film contains at least one of polyamide and acrylic.

Since AAPA and JP '781 do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and

withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

  
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